

IN THE CLAIMS

Please amend the claims as follows.

Claims 1-34 (Canceled)

35. (Withdrawn) A method of diagnosing a cancer in a subject, comprising:
- a) measuring a level of expression of an erbB-3 gene in a sample from the subject; and
 - b) comparing the level of expression of the erbB-3 gene in the sample from the subject to a level of expression of the erbB-3 gene in a sample from a control subject, whereby an increase in the level of expression of the erbB-3 gene in the sample from the subject, relative to the level of expression of the erbB-3 gene in the sample from the control subject, indicates a diagnosis of cancer in the subject.
36. (Withdrawn) The method of claim 35, wherein the subject is a human subject.
37. (Withdrawn) The method of claim 35, wherein the sample is a tumor sample.
38. (Withdrawn) The method of claim 35, wherein the cancer is a breast cancer.
39. (Withdrawn) The method of claim 35, wherein measuring the level of expression of an erbB-3 gene comprises:
- a) hybridizing nucleic acid in the sample from the subject with a probe that specifically hybridizes with erbB-3 nucleic acid; and
 - b) comparing the amount of hybridization in the sample from the subject to the amount of hybridization in the sample from the control subject, whereby an increased amount of hybridization in the sample from the subject, relative to the amount of hybridization in the

sample from the control subject, indicates a diagnosis of cancer in the subject.

40. (Withdrawn) The method of claim 39, wherein the erbB-3 nucleic acid is genomic DNA.

41. (Withdrawn) The method of claim 39, wherein the erbB-3 nucleic acid is RNA.

42. (Withdrawn) The method of claim 39, wherein the erbB-3 nucleic acid is cDNA.

43. (Currently Amended) A method of classifying a cancer as being correlated with ~~increased~~ expression of an erbB-3 gene, comprising:

a) measuring the level of expression of the erbB-3 gene in a sample from a subject diagnosed with cancer; and

b) comparing the level of expression of the erbB-3 gene in the sample from the subject to the level of expression of the erbB-3 gene in a sample from a control subject, whereby an increase in the level of expression of the erbB-3 gene in the sample from the subject, relative to the level of expression of the erbB-3 gene in the sample from the control subject, classifies the cancer as being correlated with increased expression of the erbB-3 gene.

44. (Previously Presented) The method of claim 43, wherein the subject is a human subject.

45. (Previously Presented) The method of claim 43, wherein the sample is a tumor sample.

46. (Previously Presented) The method of claim 43, wherein the cancer is breast cancer.

47. (Previously Presented) The method of claim 43, wherein the measurement of expression of the erbB-3 gene comprises:

a) hybridizing nucleic acid in the sample from the subject with a probe that specifically hybridizes with erbB-3 nucleic acid; and

b) comparing the amount of hybridization in the sample from the subject to the amount of hybridization in the sample from the control subject, whereby an increased amount of hybridization in the sample from the subject, relative to the amount of hybridization in the sample from the control subject, classifies the cancer as being correlated with increased expression of the erbB-3 gene

48. (Previously Presented) The method of claim 47, wherein the erbB-3 nucleic acid is genomic DNA.

49. (Previously Presented) The method of claim 47, wherein the erbB-3 nucleic acid is mRNA.

50. (Previously Presented) The method of claim 47, wherein the erbB-3 nucleic acid is cDNA.

51. (New) The method of claim 43 wherein the measurement of expression of the erbB-3 gene comprises:

a) contacting a biological sample from a subject with an antibody that binds to erbB-3 and not to erbB (EGFR) or erbB-2;

b) comparing the level of antibody bound with the amount of antibody bound in a control, wherein an increased amount of antibody binding is indicative of overexpression of erbB-3.

52. (New) The method of claim 51 wherein the antibody is polyclonal.

53. (New) The method of claim 51 wherein the antibody is monoclonal.

54. (New) The method of claim 52 wherein the antibody binds the extracellular domain of

erbB-3.

55. (New) The method of claim 52 wherein the antibody binds the intracellular domain of erbB-3.

56. (New) The method of claim 53 wherein the antibody binds the extracellular domain of erbB-3.

57. (New) The method of claim 53 wherein the antibody binds the intracellular domain of erbB-3.

58. (New) The method of any one of claims 54, 55 56, or 57 wherein the antibody is detectable.

59. (New) The method of any one of claims 54, 55, 56, or 57 wherein the antibody is bound to a support.